



ATTORNEY DOCKET NO: W0009/7000P6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Warren F. Rogers et al.
Serial No.: 10/653,752
Conf. No.: 3665
Filed: September 3, 2003
Title: METHOD AND APPARATUS FOR MONITORING OPERATIONAL
PERFORMANCE OF FLUID STORAGE SYSTEMS

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Commissioner for Patents
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<u>Robert P. Smith</u> Signature

INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicants request consideration of this information disclosure statement. Applicants have omitted from this submission copies of the cited U.S. patents and U.S. patent application publications in accordance with the Office's waiver of the requirement under 37 CFR 1.98(a)(2)(i) for all U.S. national patent applications filed after June 30, 2003. See "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003," USPTO Pre-OG Notice, July 11, 2003.

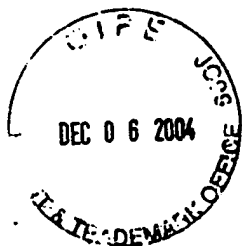
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Respectfully submitted,

Date: December 1, 2004

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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

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				Application Number	10/653,752
				Filing Date	September 3, 2003
				First Named Inventor	Warren F. Rogers, et al.
				Art Unit	2863
				Examiner Name	Anthony T. Dougherty
				Attorney Docket Number	W0009/7000P6

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	AA	3,579,218	05-18-1971	Forsythe, Jr.	
	AB	3,811,598	05-21-1974	Schwarz	
	AC	4,290,305	09-22-1981	Gibson et al.	
	AD	4,410,949	10-18-1983	Huellinghorst et al.	
	AE	4,796,676	01-10-1989	Hendershot et al.	
	AF	4,827,762	05-09-1989	Hasselmann	
	AG	4,835,699	05-30-1989	Mallard	
	AE	4,915,507	04-10-1990	Janotta	
	AF	4,977,528	12-11-1990	Norris	
	AG	5,047,101	09-10-1991	Trussler	
	AH	5,052,212	10-01-1991	Cohrs	
	AI	5,138,559	08-11-1992	Kuehl et al.	
	AJ	5,184,504	02-09-1993	Spring	
	AK	5,265,032	11-23-1993	Patel	
	AL	5,288,367	02-22-1994	Angell et al.	
	AM	5,297,423	03-29-1994	Keating et al.	
	AN	5,316,057	05-31-1994	Hasselmann	
	AO	5,317,899	06-07-1994	Hutchinson et al.	
	AP	5,351,725	10-04-1994	Suthergreen et al.	
	AQ	5,359,522	10-25-1994	Ryan	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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				Filing Date	September 3, 2003
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				Art Unit	2863
Examiner Name	Anthony T. Dougherty				
Sheet	2	of	4	Attorney Docket Number	W0009/7000P6

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	AR	5,361,216	11-01-1994	Warn et al.	
	AS	5,363,093	11-08-1994	Williams et al.	
	AT	5,371,495	12-06-1994	Sturges et al.	
	AU	5,375,455	12-27-1994	Maresca, Jr. et al.	
	AV	5,400,253	03-21-1995	O'Connor	
	AW	5,400,924	03-28-1995	Brodie	
	AX	5,402,427	03-28-1995	Parker	
	AY	5,423,457	06-13-1995	Nicholas et al.	
	AZ	5,447,055	09-05-1995	Thompson et al.	
	BA	5,471,867	12-05-1995	Tuma et al.	
	BB	5,490,516	02-13-1996	Hutson	
	BC	5,528,516	06-18-1996	Yemini et al.	
	BD	5,530,439	06-25-1996	Steele et al.	
	BE	5,544,518	08-13-1996	Hart et al.	
	BF	5,665,895	09-09-1997	Hart et al.	
	BG	5,686,658	11-11-1997	Boren	
	BH	5,757,664	05-26-1998	Rogers et al.	
	BI	5,857,501	01-12-1999	Kelerich et al.	
	BJ	5,988,439	11-23-1999	Webb	
	BK	6,101,816	08-15-2000	Wang et al.	
	BL	6,401,045	06-04-2002	Rogers et al.	
	BM	20020049549	04-25-2002	Rogers et al	

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Sheet	3	of	4	Attorney Docket Number	W0009/7000P6

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BN	GB 2,138,947A	10-31-1984			
	BO	FR 2 600 318	12-24-1987			
	BP	GB 2,124,390	02-15-1984			
	BR	EP 0310298	04-05-1989			
	BS	WO 01/04586 A1	01-18-2001	Warren Rogers Assoc.		
	BT	WO 97/46855 A1	12-11-1997	Warren Rogers Assoc.		
	BU	WO 02/079731 A1	10-10-2002	Warren Rogers Assoc.		
	BV	EP App. No. 009 45280.6- 1260 Examination Report dated June 24, 2003		Warren Rogers Assoc.		
	BW	EP App. No. 00 945280.6- 1260 Supplementary European Search Report dated August 8, 2002		Warren Rogers Assoc.		
	BX	PCT Written Opinion, PCT/US02/10096, dated March 18, 2004		Warren Rogers Assoc.		

Examiner Signature		Date Considered	
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Sheet	4	of	4	Attorney Docket Number	W0009/7000P6

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	BY	EPA Pub. No. 510-K-95-003, "Straight Talk on Tanks: Leak Detection Methods for Petroleum Underground Storage Tanks and Piping" (July 1995)	
	BZ	William E Boyce and Richard C. DiPrima, "Elementary Differential Equations and Boundary Value Problems" Rensselaer Polytechnic Institute (Third Edition)	
	CA	W.F. Rogers, "Volumetric Leak Detection-A Systems Perspective", ASTM STP 1161 (1992)	
	CB	Ken Wilcox Assoc., Inc., "Evaluation of the Warren Roges Associates SIRA Statistical Inventory Reconciliation System (Version 5.2)" Final Report, Feb. 17, 1995, 19 pages.	
	CC	EPA Pub. No. 510-B-95-009, "Introduction to Statistical Inventory Reconciliation," (Sept. 1995).	

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